

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

STEPHANIE DAVIS,

Plaintiff,

v.

COCA-COLA BOTTLING
COMPANY UNITED, INC.,

Defendant.

CIVIL ACTION
FILE NO.:

DEFENDANT’S NOTICE OF REMOVAL

COMES NOW Defendant Coca-Cola Bottling Company United, Inc. (“Defendant”), by and through counsel, and, without waiving any defenses as to jurisdiction, venue, process, service of process or proper party, files this Notice of Removal, respectfully showing the Court as follows:

1.

Plaintiff STEPHANIE DAVIS (hereinafter “Plaintiff”) filed a civil action against Defendant in the State Court of Bibb County, State of Georgia, Civil Action File No. 22-SCCV-093833 (“the State Court Action”). A copy of the Complaint and all pleadings filed in the State Court Action are attached hereto as

Exhibit “A”.

2.

Plaintiff is a resident and citizen of the State of Georgia. (See Complaint, Ex. “A” at ¶ 1).

3.

Defendant Coca-Cola Bottling Company United, Inc. is a citizen of the State of Alabama, with its principal place of business in Alabama. (See Complaint, Exhibit “A” at ¶¶ 2 - 3). Thus, Defendant is deemed to be a citizen of Alabama for the purpose of diversity jurisdiction.

4.

Complete diversity of citizenship exists between Plaintiff and the Defendant for purposes of 28 U.S.C. § 1332 (c) (1).

5.

With respect to removal on the basis of diversity jurisdiction, this removal is timely because it has been filed within thirty (30) days of Defendant’s notification of service on February 3, 2022. (See Sheriff’s Entry of Service, attached hereto as Exhibit “B”). This Notice of Removal is timely because it is filed within thirty (30) days after receipt by a Defendant of a copy of the initial pleading setting forth the claim upon which this action is based. 28 U.S.C. § 1446 (b). The parties being

fully diverse, this Court has jurisdiction pursuant to 28 U.S.C. § 1332 (a)(1).

6.

According to the Complaint, Plaintiff has incurred special damages of “at least \$64,200.68, ” with additional damages sought for “past, present, and future mental and physical pain and suffering [and]...shock, anxiety and worry.” (See Ex. A, Complaint, ¶¶ 39-41). Additionally, Plaintiff sent a pre-suit demand letter, offering to resolve her claims against Defendant for \$550,000. A copy of the demand letter (with medical records enclosure withheld) is attached hereto as Exhibit “C.” Thus, the amount in controversy is in excess of \$75,000.

7.

Defendant hereby gives notice within thirty (30) days after service and receipt by Defendant of a copy of the Complaint filed in the State Court of Bibb County, State of Georgia, pursuant to 28 U.S.C. § 1446 and Rule 11 of the Federal Rules of Civil Procedure, of the removal of said action to this Court.

8.

Defendant is contemporaneously filing a Notice of Filing Removal in the State Court of Bibb County, State of Georgia. A copy of the Notice of Filing Removal, exclusive of exhibits, is attached hereto as Exhibit “D”.

9.

Good and sufficient defenses to Plaintiff's claim exist. See Defendant's Answer, filed contemporaneously herewith.

10.

No previous application for the relief sought herein has been made to this or any other Court.

WHEREFORE, it is hereby requested that this Court grant the removal of this case to the United States District Court for the Middle District of Georgia, in which district this suit is pending.

This 7th day of March, 2022.

McMICKLE, KUREY & BRANCH, LLP

By: /s/ Kevin P. Branch
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STEPHANIE DAVIS,

Plaintiff,

v.

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COMPANY UNITED, INC.,

Defendant.

CIVIL ACTION
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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2022, I electronically filed **DEFENDANT'S NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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